

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11	RAYMOND WALTON,	)	CIV F 05 0219 AWI SMS P
12		)	SECOND ORDER TO SUBMIT NEW
13	Plaintiff,	)	APPLICATION TO PROCEED IN
14		)	FORMA PAUPERIS AND CERTIFIED
15	vs.	)	COPY OF TRUST ACCOUNT
16		)	STATEMENT <b>OR</b> PAY FILING FEE
17	T. VO, M.D., et al.,	)	CLERK ORDERED TO SERVE
18		)	PLAINTIFF WITH TWO COPIES OF
19	Defendants.	)	THIS ORDER TOGETHER WITH A
20		)	BLANK APPLICATION TO PROCEED
21		)	IN FORMA PAUPERIS
22			

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On March 22, 2005, the court ordered plaintiff to submit an application to proceed in forma pauperis or pay the \$250.00 filing fee.<sup>1</sup> On March 30, 2005 and on April 11, 2005, plaintiff submitted applications to proceed in forma pauperis. However, plaintiff's applications to proceed in forma pauperis did not include the required original signature by an

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<sup>1</sup> Effective February 7, 2005, the statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. 28 U.S.C. § 1914(a).

1 authorized officer of the institution of incarceration. Additionally, plaintiff has not submitted a  
2 certified copy of his prison trust account statement for the six month period immediately  
3 preceding the filing of the complaint. See 28 U.S.C. § 1915.

4 Plaintiff will be provided an additional opportunity to comply with the court's order to  
5 submit a new application to proceed in forma pauperis and a certified copy of his trust account  
6 statement, **or** to pay the \$250.00 filing fee.

7 It is ultimately plaintiff's responsibility to comply with the court's order by following  
8 institutional procedures or otherwise assuring that the court receives the required documents or  
9 the filing fee. Plaintiff is directed to provide a copy of this order to the prison trust office.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Clerk's Office shall send to plaintiff the form for application to proceed in  
12 forma pauperis, and two copies of this order. Plaintiff is to provide one copy to the prison trust  
13 office.

14 2. Within thirty days of the date of service of this order, plaintiff shall submit a  
15 completed application to proceed in forma pauperis and an original certified copy of his prison  
16 trust account statement for the six month period immediately preceding the filing of the  
17 complaint, or in the alternative, pay the \$250.00 filing fee for this action.

18 Failure to comply with this order will result in a recommendation that this action be  
19 dismissed.

20  
21 IT IS SO ORDERED.

22 **Dated:** May 11, 2005  
23 b6edp0

24 /s/ Sandra M. Snyder  
25 UNITED STATES MAGISTRATE JUDGE  
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